

13408 U.S. PTO  
09/22/03

Frederick P. Fish  
1855-1930

W.K. Richardson  
1859-1951

# FISH & RICHARDSON P.C.

September 22, 2003

Attorney Docket No.: 12177-004001

## Mail Stop Patent Application

Commissioner for Patents

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22387 U.S. PTO  
10/665504  
09/22/03

Presented for filing is a new patent application claiming priority from a provisional patent application of:

Applicant: RICHARD L. WEBER

Title: COMMUNICATIONS DEVICE AND METHOD FOR USING THE  
COMMUNICATIONS DEVICE TO COMMUNICATE A MESSAGE

Enclosed are the following papers, including those required to receive a filing date under 37 CFR §1.53(b):

	<u>Pages</u>
Specification	21
Claims	9
Abstract	1
Declaration	2
Drawing(s)	16

### Enclosures:

- New disclosure information, including:  
Information disclosure statement, 1 page.  
PTO-1449, 1 page.
- Request and Certification Under 35 USC 122(b)(2)(B)(i), 1 page.
- Small entity statement. This application is entitled to small entity status.
- Postcard.

Under 35 USC §119(e)(1), this application claims the benefit of prior U.S. provisional application 60/411,752, filed September 19, 2002. This application, being filed September 22, 2003, is entitled to the benefit of the provisional application filed September 19, 2002, because the USPTO was closed on September 19, 2003 due to Hurricane Isabel and September 20, 2003 and September 21, 2003 were weekend days.



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Basic filing fee	\$375
Total claims in excess of 20 times \$9	\$333
Independent claims in excess of 3 times \$42	\$126
Fee for multiple dependent claims	\$0
Total filing fee:	\$834

A check for the filing fee is enclosed. Please apply any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at (202) 783-5070.

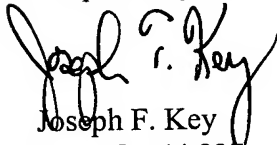
Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please direct all correspondence to the following:

26171

PTO Customer Number

Respectfully submitted,



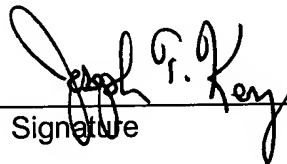
Joseph F. Key  
Reg. No. 44,827  
Enclosures  
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40177203.doc

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Richard Weber
Title	Communications Device and Method for Using the Communications Device to Communicate a Message
Atty Docket Number	12177-004001

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

9/22/2003  
Date

  
Signature

Joseph F. Key Reg. No. 44,827  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**